

Republic of Liberia by and thru the Liberia Anti-Corruption Commission (LACC), represented by its Executive Chairperson and all of its authorized agents, PETITIONER Versus **His Honor Yussif D. Kaba**, Assigned Circuit Judge, Criminal Court C, Temple of Justice, Montserrado County, Republic of Liberia, 1ST RESPONDENT AND Beatrice Munah Sieh Brown, former Inspector General of the Liberia National Police, Harris Manneh Dunn, Former Deputy Commissioner for Administration, Liberia National Police, Prince O.A. Akinremi, Proprietor, Ultimate Investment & Holding Company, Kaymah N. Zeon and Nebo Garlo, Physical Auditors, Ministry of Finance, all of the City of Monrovia, Republic of Liberia, 2ND RESPONDENTS

LRSC 8

PETITION FOR A WRIT OF MANDAMUS

JUDGMENT

When this case was called for hearing, Counsellor Othello S. Payman, I, appeared for the petitioner. Counsellors Koboi L. Johnson, Cooper W. Kruah, Sr., Mathais Omeja, Jr., C. Alexander B. Zoe, Nyenati Tuan and Idris S. Sheriff, appeared for the respondents.

Having carefully considered and reviewed the facts and circumstances of this case as certified to us in the records, attentively listened to the arguments advanced by counsels for the parties, and this Court being authorized to apply the laws by entering the judgment which the trial court should have rendered to serve the ends of justice, it is hereby

ADJUDGED:

That the trial judge, by granting the Motion for a New Trial, abused his discretion under the law, especially having extensively traversed the trial proceedings and admitted that the verdict of the jury was supported by the evidence, but however proceeded in the face thereof, to overturn the said verdict and grant a new trial for reason that the empanelled jury had failed to follow his instructions when said failure, which did not go to the merits of the case, could have been remedied by the judge issuing further instructions to the jury to return to the jury room and remedy the verdict;

That the trial judge should have granted the Motion for Relief from Judgment considering that the ground upon which he granted the Motion for New Trial and vacated the verdict of the jury does not support his ruling but undermines the ends of substantive justice;

That considering the nature of this case and the fact that we have determined that the trial judge indeed abused his discretion, and to avoid this matter being disposed of in piecemeal; this Court hereby issues the Peremptory Writ of Mandamus forthwith, with instructions to the trial court as follows:

- (a) That the judge presiding in the First Judicial Circuit Court, Criminal Assizes "C" for Montserrado County, grants the appellant LACC's appeal arising from the Motion for Relief from Judgment;
- (b) That the unanimous verdict returned against the second respondents, as recorded on March 7, 2013, be reinstated and the defendants/respondents be allowed to announce an appeal therefrom nunc pro tunc; and
- (c) That upon the defendants/respondents' compliance with the statute governing appeals, the trial judge should mandate the clerk of the trial court to forward forthwith, the full, final, and complete records of the trial proceedings for review by this Court.

The Clerk of this Court is hereby ordered to send a mandate to the court below to give effect to this judgment.

Costs are disallowed. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA, THIS
8TH DAY OF JANUARY, A.D. 2015.

[Please see pdf file for signatures]